



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,827	12/11/2003	Andrea Dianne Dupree	GGPL122090	2173

26389 7590 09/12/2006

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,827	Applicant(s) DUPREE ET AL	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Crouch (US 6,447,037 B1).

A method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22) and the second end (18) includes a second loop (20) defining a second opening (22). The central axis of the first opening is non-parallel with the central axis of the

second opening (when the coupling is being used as shown in Figs. 4-6); (b) routing the first loop through the closed handle (Fig. 2); (c) inserting the second loop through the first opening (Fig. 3); and (d) pulling the second loop through the first opening to tighten the coupling device to the closed handled device (Fig. 4).

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch.

Crouch teaches a method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22) and the second end (18) includes a second loop (20) defining a second opening (22); (b) routing the first loop through the closed handle (Fig. 2); (c) inserting the second loop through the first opening (Fig. 3); and (d) pulling the second

loop through the first opening to tighten the coupling device to the closed handled device (Fig. 4). The first opening is sized substantially equal to the second opening. Crouch fails to disclose that the first opening is sized to be smaller than the second opening. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first opening is sized to be smaller than the second opening since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Especially since Crouch fails to disclose that the first opening must be equal to the second opening and since the disclosure of the application fails to provide any advantages or unexpected result obtained by having the first opening is sized to be smaller than the second opening.

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

5. Claims 17, 18 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch in view of Elkins (US 6,216,319 B1).

Crouch discloses all the steps claimed above in paragraph 4 for the rejection of claims 15 and 16. Crouch fails to disclose that the coupling device further comprises a size adjustment collar slidably coupled to the second loop. However, Elkins teaches a coupling device (10) for providing redundant attachment between an arm of a user and a device (30) (Fig. 6). The device comprises a first end having a loop (14) defining an opening (Figs. 1 and 6). The coupling device further comprises a size adjustment collar (16) slidably coupled to the loop (Figs. 1 and 6). The size adjustment collar is provided

to allow the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto (C. 2, L. 56-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the size adjustment collar slidably coupled to the loop as taught by Elkins in the second loop of the device disclosed by Crouch since this loop is the one that engages the user's wrist. Doing so, allows the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto.

Elkins teaches that the method of using the coupling device comprises sliding the size adjustment collar along the second loop in the direction of the user's wrist (C. 2, L. 50-60 and Fig. 6).

Regarding claim 23, a combination of base claim 15 with the limitations of claims 17 and 18 will yield the claimed invention.

Response to Arguments

6. Applicant's arguments filed 19 June 2006 have been fully considered but they are not persuasive.

7. The Applicant argues that claim 15 is allowable because Crouch fails to disclose that the first opening is sized to be smaller than the second opening. This argument fails to persuade because the disclosure of the current application only states that the first opening is preferably smaller than the second opening but it fails to provide any advantages or unexpected results obtained by having this dimension. Additionally,

Crouch does not teaches away form having a second opening with a dimension different to the dimension of the first opening.

8. The argument presented for claim 19 is that Crouch fails to disclose that the central axis of the first opening is non-parallel to the central axis of the second opening. The Examiner fails to be persuaded by this argument. This limitation does not provide any details of when the axis of the first opening is non-parallel to the axis of the second opening. Therefore, this limitation is met when the coupling is in use and the axes are not parallel to each other. Additionally, the disclosure of the current application fails to provide any advantages or unexpected results obtained from having the central axis of the first opening being non-parallel to the central axis of the second opening.

9. In response to applicant's argument that Elkins is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Elkins is considered to be within the same field of endeavor since Elkins and Crouch are used to support an article by providing an opening that encircles the user's wrist. The fact that Elkins has a single opening does not prevent the combination of Elkins and Crouch since Crouch disclose having a coupling with two opening where one of the opening encircles the wrist and this opening is the one being modified with the teachings of Elkins that provides a size adjustment collar to reduce the size of the opening of the lanyard and cause better engagement of the lanyard and the user's wrist.

One of ordinary skill in the art will acknowledge that any other coupling or strap having at least one loop that is being used around the wrist of an user can be provided with the adjustment collar in order to provide better engagement between the user's wrist and the coupling or strap in accordance to the teaching of Elkins.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Norton (US 4,982,522), Elkins (US 6,216,319), Robinson (US 2003/0173382), Miller (US D 488,924 S) and Sinclair (US 6,843,393 B2) are cited to show state of the art with respect to the use of a size adjustment collar for a coupling device.

Braun (US 5,082,156), Peterson (US 5,234,245), Hakedal et al. (US 5,353,538), Moore (US D 377,862), Crouch (US 6,447,037 B1) and Kahn (US 6,641,011 B1) are cited to show state of the art with respect to coupling devices having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3677

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
September 5, 2006



ROBERT J. SANDY
PRIMARY EXAMINER